



# Department of Justice

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**TWO FORMER ANTITRUST DIVISION HEADS RECEIVE  
JUSTICE DEPARTMENT'S 1996 JOHN SHERMAN AWARD**

**Former Assistant Attorneys General Honored for  
Landmark Legal Work Leading To the Break up of AT&T**

WASHINGTON, D.C. -- Former Antitrust Division chiefs Thomas E. Kauper and William F. Baxter received the Department of Justice's John Sherman Award today for their roles in the Department's historic case that led to the break up of AT&T.

Kauper, as Assistant Attorney General in charge of the Antitrust Division during the Ford Administration, filed the initial complaint against AT&T in 1974, seeking to end the telecommunications giant's monopoly in the markets for telephone service and equipment.

Baxter, as head of the Antitrust Division during the Reagan Administration, spearheaded the negotiations with AT&T that produced the now historic consent decree that lead to the breakup of AT&T, ending its monopoly over the telecommunications industry.

"Tom Kauper and Bill Baxter built the foundation upon which we have been constructing a competitive telecommunications industry," said Anne K. Bingaman, Assistant Attorney General in charge of the Antitrust Division. "Without their visionary work

on the AT&T case we wouldn't have the vigorous and innovative telecommunications industry we see developing today."

Created in 1994, the John Sherman Award is presented annually by the Department's Antitrust Division to a person or, persons for their outstanding achievement in antitrust law, contributing to the protection of American consumers and to the preservation of economic liberty.

The Department's 1974 lawsuit alleged that AT&T illegally monopolized telecommunications services and equipment, and as the trial neared completion, brought AT&T to the negotiating table. The 1982 consent decree reached with AT&T through those negotiations created the conditions for competition in the markets for telecommunications equipment and long distance phone service -- competition that led to lower prices, better service, and higher quality products for consumers.

The Telecommunications Law of 1996 builds on the success of the consent decree by attempting to create competition in local markets -- allowing competition to thrive in all sectors of the industry.

Kauper, a professor of law at the University of Michigan Law School since 1964, has enjoyed a nearly 40 year legal career in government and academics. After graduating from the University of Michigan Law School in 1960, Kauper spent two years clerking for Associate Supreme Court Justice Potter Stewart. He began his career at the Justice Department in 1969, serving a two year stint as Deputy Assistant Attorney General in the Department's

Office of Legal Counsel. He resumed his full-time teaching career at the University of Michigan Law School only to return to the Justice Department in 1972, as Assistant Attorney General in charge of the Antitrust Division -- a position he held until 1976.

William F. Baxter, is currently a professor of law at Stanford Law School as well as Of Counsel at the law firm of Shearman and Sterling -- positions he has occupied since 1984. Baxter graduated from Stanford University Law School in 1956, staying on as an assistant professor of law until 1958. He continued his distinguished academic career as a visiting professor of law at Yale University from 1964 to 1965. In 1969, Baxter spent a year as a member of President Nixon's Task Force on Antitrust Policy. He served as Assistant Attorney General in charge of the Justice Department's Antitrust Division from 1981 to 1983. Throughout his career, Professor Baxter has been a consultant to numerous corporations, non-profit groups and government agencies for various intervals.

The award is named for the author of the Sherman Act of 1890, the nation's first and foremost antitrust law. Sherman, a former Congressman and Senator, also served as Secretary of the Treasury from 1877 to 1881, and as Secretary of State from 1897 to 1898.

The first recipient of the John Sherman Award was U.S. Senator Howard M. Metzenbaum of Ohio, in 1994. Last year's recipient was Harvard Law School Professor Phillip E. Areeda.

The Sherman Act outlaws all contracts, combinations and conspiracies that unreasonably restrain interstate trade, including agreements among competitors to fix prices, rig bids and allocate customers. The Act also makes it a crime to monopolize any part of interstate commerce.

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